

SENATE BILL 474

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2lr2157
CF HB 348

By: **Senator Pinsky**

Introduced and read first time: February 2, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 13, 2012

CHAPTER _____

1 AN ACT concerning

2 **State Board of Professional Counselors and Therapists – Certified**
3 **Professional Counselor–Alcohol and Drug – Repeal**

4 FOR the purpose of repealing certain provisions of law relating to the requirements
5 that must be met to qualify as a certified professional counselor–alcohol and
6 drug; repealing a certain requirement that the State Board of Professional
7 Counselors and Therapists grant a certain waiver to certain applicants;
8 prohibiting the Board from placing a certified professional counselor–alcohol
9 and drug on inactive status; prohibiting the Board from reinstating the
10 certificate of a certified professional counselor–alcohol and drug under certain
11 circumstances; providing that this Act may not be construed to invalidate
12 certain certificates or to prohibit certain renewals; and generally relating to the
13 repeal of the certified professional counselor–alcohol and drug certificate.

14 BY repealing

15 Article – Health Occupations
16 Section 17–402
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Health Occupations
21 Section 17–405 and 17–505
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 17–402 of Article – Health Occupations of the Annotated
3 Code of Maryland be repealed.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article – Health Occupations**

7 17–405.

8 (a) The Board shall waive the requirements for certification for an applicant
9 to practice alcohol and drug counseling if the applicant meets the requirements of this
10 section.

11 [(b) If the applicant is licensed or certified to practice as a professional
12 counselor–alcohol and drug, the Board shall grant a waiver under this section only if
13 the applicant:

14 (1) Is licensed or certified in another state, territory, or jurisdiction
15 that has requirements that are equivalent to or exceed the requirements of § 17–402 of
16 this subtitle;

17 (2) Submits an application to the Board on a form that the Board
18 requires; and

19 (3) Pays to the Board an application fee set by the Board.

20 (c) (B) If the applicant is licensed or certified to practice as an associate
21 counselor–alcohol and drug, the Board shall grant a waiver under this section only if
22 the applicant:

23 (1) Is licensed or certified in another state, territory, or jurisdiction
24 that has requirements that are equivalent to or exceed the requirements of § 17–403 of
25 this subtitle;

26 (2) Submits an application to the Board on a form that the Board
27 requires; and

28 (3) Pays to the Board an application fee set by the Board.

29 [(d) (C) If the applicant is licensed or certified to practice as a supervised
30 counselor–alcohol and drug, the Board shall grant a waiver under this section only if
31 the applicant:

1 (1) Is licensed or certified in another state, territory, or jurisdiction
2 that has requirements that are equivalent to or exceed the requirements of § 17-404 of
3 this subtitle;

4 (2) Submits an application to the Board on a form that the Board
5 requires; and

6 (3) Pays to the Board an application fee set by the Board.

7 [(e)] (D) The Board shall adopt regulations to carry out this section.

8 17-505.

9 (a) (1) Except as provided in paragraph (3) of this subsection, the Board
10 shall place a licensee or certificate holder on inactive status, if the licensee or
11 certificate holder:

12 (i) Submits to the Board an application for inactive status on
13 the form required by the Board; and

14 (ii) Pays the inactive status fee set by the Board.

15 (2) The Board shall issue a license or certificate to an individual who
16 is on inactive status if the individual complies with the renewal requirements that are
17 in effect when the individual requests the renewal of the license or certificate.

18 (3) The Board may not place **A CERTIFIED PROFESSIONAL**
19 **COUNSELOR-ALCOHOL AND DRUG**, a certified professional counselor-marriage and
20 family therapist, or a certified professional counselor on inactive status.

21 (b) (1) Except as provided in paragraph (2) of this subsection, the Board,
22 in accordance with its regulations, may reinstate the license of a licensee or the
23 certificate of a certificate holder who has failed to renew the license or certificate for
24 any reason.

25 (2) The Board may not reinstate the certificate of **A CERTIFIED**
26 **PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG**, a certified professional
27 counselor-marriage and family therapist, or certified professional counselor who has
28 failed to renew the certificate for any reason.

29 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act shall
30 be construed to invalidate a certificate issued by the State Board of Professional
31 Counselors and Therapists to a certified professional counselor-alcohol and drug
32 before the effective date of this Act or to prohibit the timely renewal by the Board of a
33 valid certificate.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.